LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS

54111 BROUGHTON ROAD MACOMB, MICHIGAN 48042

PRESENT: MICHAEL D. KOEHS, CLERK

MARIE MALBURG, TREASURER TRUSTEES: DINO F. BUCCI, JR.

JANET DUNN

ROGER KRZEMINSKI NANCY NEVERS

ABSENT: JOHN D. BRENNAN, SUPERVISOR

Also in attendance: Lawrence W. Dloski, Township Attorney

James Gelios, Township Deputy Clerk

Jerome R. Schmeiser, Community Planning Consultant James Van Tiflin, Township Engineer of Spalding DeDecker & Associates. (Additional attendance record on file with

Clerk)

Call Meeting to Order

Clerk KOEHS called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Presentation by Congresswoman Candice Miller

Candice Miller presented the Township with an Eight Million Dollar check from the federal government to help widen Romeo Plank Road from Hall Road to 23 Mile Road.

Roll Call

Deputy Clerk James Gelios called the Roll Call, Supervisor BRENNAN not present.

MOTION by KRZEMINSKI seconded by BUCCI to move to have Clerk Michael Koehs, act as chairman for this meeting.

MOTION carried.

MOTION by KRZEMINSKI seconded by NEVERS to refrain from calling the name of John D. Brennan for all roll call votes for this meeting.

MOTION carried.

2. Approval of Agenda Items (with any corrections)

MOTION by DUNN seconded by MALBURG to approve the agenda as presented.

MOTION carried.

3. Approval of the Bills

MOTION by KRZEMINSKI seconded by BUCCI to approve the bill runs as submitted.

MOTION carried.

4. Approval of the January 11, 2006 previous Meeting Minutes

MOTION by DUNN seconded by NEVERS to approve the January 11, 2006 meeting minutes as submitted.

MOTION carried.

- 5. Consent Agenda Items:
- 5A. Clerk's Department:
 - 1. Wall Sign Bond Return; Sec. 20; Alexander's Pizza
 - 2. Wall Sign Bond Return; Sec. 20; Fast Frame
 - 3. Wall Sign Bond Return; Sec. 20; Elegant Creations
 - Landscape Bond Return; Sec. 19; Westminister Sub. No 1
 - 5. Landscape Bond Return; Sec. 19; Westminister Sub. No 2
- 5B. Department Monthly Reports:
 - 1. Building Department
 - 2. Fire Department
 - 3. Macomb County Sheriffs Department
 - 4. Parks and Recreation Department
 - 5. Water/Sewer Department

MOTION by KRZEMINSKI seconded by DUNN to approve the consent agenda items as submitted.

MOTION carried.

6. Public Comments (Non Agenda items only - 3 minute time limit)

Public Portion: Andrew Prasiloski, Township resident, inquired about the status of the single waste hauler for the Township. Lawrence Dloski, Township Attorney, indicated additional research is needed because some additional concerns came to light.

PUBLIC HEARING:

7. Request to approve the street lighting contract for Breton Woods Site Condominiums; Located on the northeast corner of 25 Mile Road and Hayes Road; Elro Corporation, Petitioner. Permanent Parcel No. 08-06-300-034

Clerk KOEHS opened the public hearing at 7:16 p.m.

Petitioner Present: Daniel S. Spatafora

Public Portion: None

MOTION by BUCCI seconded by KRZEMINSKI to close the public hearing at 7:18 p.m.

MOTION carried.

MOTION by BUCCI seconded by MALBURG to approve the street lighting Contract for Breton Woods Site Condominiums Permanent Parcel No. 08-06-300-034 as follows:

TOWNSHIP OF MACOMB AND BRETON WOODS SITE CONDOMINIUMS AGREEMENT FOR STREET LIGHTING

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on January 23, 2006, at 7:00 P.M., Eastern Daylight Savings Time.

PRESENT: Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Janet

Dunn. Roger Krzeminski. Nancy Nevers.

ABSENT: John D. Brennan

The following preamble and resolution were offered by Trustee BUCCI and supported by Treasurer MALBURG.

WHEREAS, the Breton Woods Site Condominiums, desires to provide street lighting for the benefit of its co-owners; and

WHEREAS, the Breton Woods Site Condominiums are administered by an association of co-owners; and

WHEREAS, the Detroit Edison Company will not contract with the Breton Woods Site Condominiums Association to provide street lighting; and

WHEREAS, the Detroit Edison Company's policy is to contract with the municipality for street lighting installed by the Detroit Edison Company in the municipality; and

WHEREAS, the Breton Woods Site Condominium Association has requested that Macomb Township enter into a contract with Detroit Edison to provide street lighting at the Breton Woods Site Condominiums; and

WHEREAS, the Township Board of Trustees has approved a contract with Detroit Edison for the benefit of the Breton Woods Site Condominiums upon certain terms and conditions set forth herein; and

WHEREAS, in order to provide street lighting and reimburse Macomb Township for the costs the Township incurs as a result of contracting with the Detroit Edison Company to provide street lighting on behalf of the Breton Woods Condominiums, the Breton Woods Site Condominium Association agrees to enter into this agreement; and

WHEREAS, the Breton Woods Site Condominium Association will reimburse Macomb Township its costs incurred to Detroit Edison for the construction costs, including labor, materials, overhead, and annual lamp charges that benefit the Breton Woods Site Condominiums; and

WHEREAS, the Breton Woods Site Condominium Association represents and warrants that the association has the power and authority to contract with Macomb Township for the purpose of reimbursing Macomb Township costs incurred by the Township to the Detroit Edison Company on behalf of the Breton Woods Site Condominiums; and

WHEREAS, the Breton Woods Site Condominium Association has requested the Detroit Edison Company to furnish, install, operate and maintain street lighting facilities as set forth in the Detroit Edison Company proposal No. 676893 dated January 2006, which is made a part of this agreement;

NOW THEREFORE,

- 1. Macomb Township shall execute an Agreement for Municipal Street Lighting with the Detroit Edison Company for the benefit of the Breton Woods Site Condominiums, the purpose of which will be to furnish, install, operate and maintain street lighting equipment and facilities in accordance with proposal No. 676893 dated January, 2006, attachment A.
- 2. All costs associated with providing street lighting to the Breton Woods Site Condominiums and which costs are paid by Macomb Township directly to the Detroit Edison Company, shall be reimbursed by the Breton Woods Site Condominiums, upon demand by Macomb Township.
- 3. The Breton Woods Site Condominiums understands that the costs to operate and maintain street lighting facilities set forth in proposal No. 676893 may increase from year to year.
- 4. The Breton Woods Site Condominium Association on behalf of the Breton Woods Site Condominiums agrees to reimburse Macomb Township any increase over the initial contract which may be incurred by Macomb Township to the Detroit Edison Company to provide street lighting to the Breton Woods Site Condominiums.
- 5. The Breton Woods Site Condominium Association represents and warrants that the Association is vested with authority to enter into this agreement and covenants on behalf of its co-owners to reimburse Macomb Township for any and all payments made by the Township to Detroit Edison Company on behalf of Breton Woods Site Condominiums.
- 6. In the event that the Breton Woods Site Condominiums fail and/or refuse for a period of ten (10) days after demand for payment to reimburse Macomb Township for monies paid on behalf of the Breton Woods Site Condominiums to Detroit Edison, then Macomb Township may request Detroit Edison to remove the street lights and lighting facilities and any costs that are incurred as a result of said removal shall be the responsibility of the Breton Woods Site Condominiums.
- 7. Macomb Township may avail itself of all legal and equitable remedies to collect any amounts which Macomb Township pays to the Detroit Edison Company on behalf of the Breton Woods Site Condominiums and which amounts have not been reimbursed to Macomb Township, together with all

costs incurred by Macomb Township to recover such sums including actual attorney fees.

8. The Breton Woods Site Condominiums Association, on behalf of itself and each of the co-owners of the Breton Woods Site Condominiums, agree to hold harmless, indemnify and defend Macomb Township, its trustees, agents and employees from any and all claims, losses, actions, suits, judgments, attorney fees, costs, liabilities and expenses whatsoever which may hereafter be asserted by any person or other entity against Macomb Township for any acts, transactions, or occurrences arising out of the installation and/or operation of street lighting as provided for in this agreement.

TOWNSHIP OF MACOMB	BRETON CONDOMINIUM	WOODS MS	SITE
By: Michael D. Koehs, Clerk	Ву:	, Its Presider	nt
By: John D. Brennan, Supervisor	Ву:	, Its Vice-Pre	sident
Dated:	Dated:_		
WITNESSED:	WITNESSED:		
MOTION carried.			

PLANNING COMMISSION:

8. Rezoning Request; Residential One Family Urban (R-1) to Commercial General (C-2); Located on the southeast corner of 24 Mile Road and Garfield Roads. Michael Magnoli, Petitioner. Permanent Parcel No. 08-17-100-019 (Tabled at the petitioners request from the January 11, 2006 meeting to this meeting, January 23, meeting)

Jerome R. Schmeiser, Community Planning Consultant, reviewed the rezoning request and the recommendation for approval and briefly discussed the Planning Commissions recommendation for a less intense zoning district.

Petitioner Present: Frank Palazzolo, legal representative for Michael Magnoli.

Public Portion: Township residents expressed their concerns against the proposal.

Mr. Palazzolo indicated that the petitioner is researching other avenues to develop this parcel and will be in contact with the Township Attorney.

MOTION by BUCCI seconded by KRZEMINSKI to deny the request to rezone the property from Residential One Family Urban (R-1) to Commercial General (C-2) Permanent Parcel No. 08-17-100-019.

MOTION carried.

9. **Rezoning; One-Family Suburban Residential (R-1-S) to One-Family Urban Residential (R-1);** Located on the south side of 22 Mile Road, approximately ½ mile east of Romeo Plank Road; Onorio Moscone, Petitioner. Permanent Parcel No. 08-28-126-007.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the rezoning request and the recommendations for approval.

Petitioner Present: Bill Moesure with Apex Engineering

Public Portion: Township residents expressed their concerns against the proposal.

MOTION by DUNN seconded by BUCCI to approve the request to rezone the property from One-Family Suburban Residential (R-1-S) to One-Family Urban Residential (R-1) Permanent Parcel No. 08-28-126-007.

MOTION carried.

10. Rezoning; Agriculture (AG) to One-Family Urban Residential (R-1); Located on the south side of 22 Mile Road, approximately ½ mile east of Romeo Plank Road; Onorio Moscone, Petitioner. Permanent Parcel No. 08-28-126-008.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the rezoning request and the recommendations for approval.

Petitioner Present: Bill Moesure with Apex Engineering

Public Portion: Township residents expressed their concerns against the proposal.

MOTION by DUNN seconded by KRZEMINSKI to approve the request to rezone the property from Agricultural (AG) to One-Family Urban Residential (R-1) Permanent Parcel No. 08-28-126-008.

MOTION carried.

11. **Rezoning; Agriculture (AG) to One-Family Urban Residential (R-1);** Located on the south side of 22 Mile Road, approximately ½ mile east of Romeo Plank Road; Onorio Moscone, Petitioner. Permanent Parcel No. 08-28-200-001

Jerome R. Schmeiser, Community Planning Consultant, reviewed the rezoning request and the recommendations for approval.

Petitioner Present: Bill Moesure with Apex Engineering

Public Portion: Township residents expressed their concerns against the proposal.

MOTION by DUNN seconded by MALBURG to approve the request to rezone the property from Agriculture (AG) to One-Family Urban Residential (R-1) Permanent Parcel No. 08-28-200-001.

MOTION carried.

12. Variance Request to delay installation of improvements; Hartford PUD Phase I and II; Located at the southeast corner of 24 Mile Road and Card Road. Lawrence Scott, Petitioner. Permanent Parcel No. 08-14-100-004

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request and the recommendations for approval.

Petitioner Present: Richard Ives

Public Portion: None

MOTION by BUCCI seconded by KRZEMINSKI to approve the variance request to delay the installation of improvements for the Hartford PUD Phase I and II until June 1, 2006, due to weather conditions. Permanent Parcel No. 08-14-100-004

MOTION carried.

13. Extension of Time; Final Preliminary Plat; Macomb Corporate Center Park; Located approximately 1000 feet south of 23 Mile Road and approximately 333 feet east of Future Garfield Road. Jeffrey Rizzo, Petitioner. Permanent Parcel No. 08-20-100-020 (Plat Expired January 14, 2006)

Jerome R. Schmeiser, Community Planning Consultant, recommended approval of the matter.

MOTION by KRZEMINSKI seconded by MALBURG to approve the extension of time for the Final Preliminary Plat for Macomb Corporate Center Park for one year to expire January 14, 2007.

MOTION carried.

NEW BUSINESS:

14. Request to approve the indemnification agreement for the co-locater located on the Township Water and Sewer Department property.

Lawrence Dloski, Township Attorney, indicated that issues remain with the lease and recommended that the matter be tabled indefinitely.

MOTION by KRZEMINSKI seconded by NEVERS to table indefinitely the request to approve the indemnification agreement for the co-locater located on the Township Water and Sewer Department property.

MOTION carried.

15. Request to adopt the annual 2006 Poverty Exemption Resolution

MOTION by KRZEMINSKI seconded by DUNN to adopt the annual 2006 Poverty Exemption Resolution as follows:

TOWNSHIP OF MACOMB

COUNTY OF MACOMB, STATE OF MICHIGAN

REAL PROPERTY TAX POVERTY EXEMPTION RESOLUTION

Memorandum of Resolution made and adopted at a Regular Meeting of the Board of Trustees of Macomb Township, Macomb County, Michigan, held in the Macomb Township offices on the Monday the 23rd of January, 2006.

MEMBERS PRESENT: Michael D. Koehs, Marie Malburg, Dino F. Bucci,

Jr., Janet Dunn, Roger M. Krzeminski and Nancy

J. Nevers.

MEMBERS ABSENT: John D. Brennan

The following preamble and resolution were offered by Member KRZEMINSKI and supported by Member DUNN:

Whereas, Section 211.7u of Act No. 206 of the Public Acts of 1893, as amended, provides that the homestead of a person who, in the judgment of the Supervisor and Board of Review, by reason of poverty, is unable to contribute toward the public charges are eligible for exemption in whole or in part from taxation under the Act; and,

Whereas, said section provides certain eligibility requirements for exemption under said section; and,

Whereas, said section requires that an applicant meet the federal poverty income standards as defined and determined annually by the United States Office of Management and Budget or alternative guidelines adopted by the governing body of the local assessing unit; provided, however, such alternative guidelines do not provide income eligibility requirements less than the federal guidelines; and,

Whereas, the Board of Trustees of the Township of Macomb is the governing body of the local assessing unit; and,

NOW, THEREFORE, BE IT RESOVED that the following standards be adopted in relation to applications for the Real Property Poverty Exemptions:

In order to qualify for the Poverty Exemption, the claimant MUST meet all of the following requirements. It may be possible that a claimant meets the income standard for the Poverty Exemption but not meet the asset standard or other standards as set forth in these guidelines. In this instance the claimant would NOT qualify for the exemption even though the income standard was met.

The Board of Review shall follow these guidelines when granting or denying a Poverty Exemption. The same standards shall apply to each claimant in the Township for the assessment year "unless the Supervisor and Board of Review determines that there are substantial and compelling reasons why there should be deviation from the guidelines and the substantial and compelling reasons are communicated in writing to the claimant."

In granting Poverty Exemptions, the Township of Macomb and the Board of Review realizes that this represents a shift of those property taxes exempted to the other taxpayers of the Township. Poverty exemptions are intended to assist those who are in temporary financial straits and are NOT intended as a permanent or continuous subsidy. Poverty exemptions shall apply only to the applicant's qualified homestead and the property must be classified RESIDENTIAL for property tax purposes. Under no circumstances shall a poverty exemption be granted or apply to the property of a business, partnership or corporation.

To be eligible for exemption by reason of poverty, a person shall do all of the following on an annual basis:

- 1. Applicants MUST be an owner of and occupy as a homestead (as defined by MCL 211.7c) the property for which an exemption is being requested. Vacant, unplatted, contiguous land shall not qualify as homestead property for purposes of these guidelines.
- 2. Applicants MUST file a completed "Poverty Exemption Application" with the Board of Review on a form provided by the Assessing Department and include a copy of their Michigan Homestead Property Tax Credit Claim AND State of Michigan Income Tax Returns and all supporting documents and schedules for ALL PERSONS residing in the homestead, including any property tax credit returns (MI-1040CR), filed in the immediately preceding year or in the current year.
- Applicants must provide a valid driver's license or other form of identification and must also provide a copy of a deed, land contract, or other evidence of ownership of the property for which an exemption is requested if requested by the Assessor or Board of Review.
- 4. Applications MUST be filed after January 1 and before the final day of the March Board of Review meetings for that assessment year.
- 5. Applicants MUST meet poverty income standards determined by the Township of Macomb. These income standards shall be posted annually in the Department of Assessment and made available upon

request at no charge. These income standards will be based upon the current year Federal Poverty Thresholds multiplied by a rate of 135% (1.35).

The Board of Review shall consider income from all sources and from all occupants of the homestead when determining whether an Applicant meets Township poverty income standards as established by the Township Board of Trustees.

In addition to income as noted above, savings accounts, checking accounts, investments and interest earnings/dividends, in total, from all household members, may not exceed double the amount of the current annual property tax obligation. The Board of Review may also take into consideration other assets such as ownership interest in other real estate and/or personal property.

NOTE: Under no circumstances shall the Board of Review reduce the taxable value of a claimant that is not currently receiving the maximum refund of \$1,200.00 from the State of Michigan unless the claimant's household income is equal to or less than the federal poverty income standards as defined and determined by the United States office of management and budget. Any relief granted shall be based upon the tax obligation in excess of the maximum \$1,200.00 homestead credit refund allowed by the State of Michigan.

Under no circumstances shall the Board of Review reduce the taxable value lower than that which would produce an annual ad valorem tax equal to 3.5% of an applicants income plus property tax credit refund payable by the State of Michigan. It is not the intent of the Township to adopt a policy of an individual being "automatically entitled" to exemption.

AYES: Members: KRZEMINSKI, DUNN, NEVERS, MALBURG, BUCCI AND KOEHS.

NAYS: Members: None

ABSENT: John D. Brennan

JOHN D. BRENNAN, Township Supervisor

RESOLUTION DECLARED ADOPTED.

16. Review of the 2006 Engineering Hourly Rate & Fees

MOTION by DUNN seconded by NEVERS to approve the 3.6% increase to Spalding & DeDecker Associates, Township Engineers, per the Municipal Clients Hourly Basis Fee Schedule for 2006 as submitted. Effective January 1, 2006.

MOTION carried.

MOTION by KRZEMINSKI seconded by BUCCI to set the 2006 Consumer Price Index (CPI) for computing engineering plan review fees from 553.92 to 576.08.

MOTION carried.

17. Request to Schedule the Public Hearing Date; February 22, 2006; Street Lighting Contract; Becher Estates Site Condominiums; Located on the north side of Marseilles Drive, 1/3 mile north of 22 Mile Road. Marseilles Development, LLC, Petitioner. Permanent Parcel No. 08-21-326-005

MOTION by BUCCI seconded by MALBURG to schedule February 22, 2006 as the public hearing date for the contract for street lighting for the Becher Estates Site Condominiums. Permanent Parcel No. 08-21-326-005

MOTION carried.

18. Request to Schedule the Public Hearing Date; February 22, 2006; Special Assessment District; Street Lighting; Pine Valley Subdivision; Located on the east side of Luchtman Road approximately 1/4 mile south of 26 Mile Road; Northern Macomb Development, Petitioner. Permanent Parcel No. 08-04-100-034

MOTION by KRZEMINSKI seconded by MALBURG to schedule February 22, 2006 as the public hearing date for the special assessment district for street lighting for the Pine Valley Subdivision Permanent Parcel No. 08-04-100-034

MOTION carried.

WATER AND SEWER DEPARTMENT:

19. Request to approve the payment for Change Order Number 1; 23 Mile Road Sanitary Sewer (North Avenue west approx. 1,800') Contract Number 1, L.D Agostini & Sons, MA03-015, (Pump Station)

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

MOTION by KRZEMINSKI seconded by NEVERS to approve the payment for Change Order Number 1, 23 Mile Road Sanitary Sewer (North Avenue west approximately 1,800') Contract Number 1, L. D. Agostini & Sons, MA03-015 for the total cost of Twenty Four Thousand Eight Hundred Seventy Three Dollars and 65/100 (\$24,873.65) as submitted.

MOTION carried.

20. Request to approve the payment for Pay Certificate Number 2; 23 Mile Road Water Main (The Rivers Estates to the North Branch of Clinton River), Pamar Enterprises, MA04-013.

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

MOTION by BUCCI seconded by MALBURG to approve the payment for Pay Certificate Number 2; 23 Mile Road Water Main (The Rivers Estates to the North Branch of Clinton River), Pamar Enterprises, MA04-013 for the total cost of One Hundred Forty One Thousand One Hundred Thirty Two dollars and 00/100 (\$141,132.00) as submitted.

MOTION carried.

21. Request to award a contract for the 23 Mile Road Water Main and Sanitary Sewer Replacement (1/2 mile east of Hayes Road to Romeo Plank Road). MA02-007 & MA02-022.

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

MOTION by DUNN seconded by NEVERS to award the contract to Pamar Enterprises, Inc. of New Haven, for the 23 Mile Road Water Main and Sanitary Sewer Replacement (1/2 mile east of Hayes Road to Romeo Plank Road). MA02-007 & MA02-022 for the total cost Two Million Eight Hundred Forty One Thousand, One Hundred One dollars and 00/100 (\$2,841,101.00) as submitted.

MOTION carried.

22. 99' Consumers Power Water Main Easement Agreement, crossing Hall Road between Tilch and Hayes Roads Water Main Macomb # 327

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

MOTION by BUCCI seconded by DUNN to approve the Easement Agreement for the 99' Consumers Power Water Main Easement crossing Hall Road between Tilch and Hayes Roads and authorize the payment of Three Thousand Fifty One dollars and 80/100 (\$3,051.80) to consumer energy.

MOTION carried.

23. Request to approve the Purchase Requisition Request: A. SLC Meter Service (various size repair clamps)

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

MOTION by DUNN seconded by KRZEMINSKI to approve the purchase requisition request for various size repair clamps through SLC Meter Service for the total cost of Five Thousand Forty Seven dollars and 03/100 (\$5,047.03) as submitted.

MOTION carried.

BOARD COMMENTS:

- 24. Supervisor Comments: None
- 25. Clerk Comments: None
- Treasurer Comments: None
- 27. Trustees Comments:

Trustee NEVERS asked the Board for authorization to allow members of Township Boards and Commissions the opportunity to attend the Citizen Planner Program offered through the Michigan State Extension Course.

MOTION by KRZEMINSKI seconded by DUNN to authorize the Township Supervisor to authorize Township Board and Commission members the opportunity to attend the Citizens Planners Program training course offered through the Michigan State Extension.

MOTION carried.

EXECUTIVE SESSION:

MOTION by BUCCI seconded by MALBURG to adjourn into executive session at 8:34 p.m.

MOTION carried.

MOTION by KRZEMINSKI seconded by NEVERS to reconvene the Board of Trustees Meeting at 8:43 P.M.

MOTION carried.

28. Broughton Road Condemnation

MOTION by DUNN seconded by NEVERS to reject the Broughton Road Condemnation case evaluation as corrected.

MOTION carried.

ADJOURNMENT:

MOTION by BUCCI seconded by NEVERS to adjourn this meeting at 8:45 p.m.

MOTION carried.

Respectfully submitted,	
John D. Brennan, Supervisor	
Michael D. Koehs, CMC Macomb Township Clerk MDK/gmh	-